

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 996

Introduced by Assembly Member Spitzer
(Coauthors: Senators Battin and Cox)

February 22, 2007

An act to add Section 3044 to the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Spitzer. Parole hearings: victim testimony.

Existing law requires the Board of Parole Hearings to hold regular hearings to determine a prisoner's suitability for parole. Upon request, the board is required to send a notice of a scheduled hearing to the victim or next of kin, at least 30 days before the hearing. The victim or next of kin, or a representative, as specified, has the right to appear at the hearing and to make a statement.

This bill would provide that if a victim, *victim representative*, or next of kin appears for a duly noticed, scheduled parole hearing, and that hearing is postponed at the request of the prisoner or prisoner's attorney, the board shall allow the victim, *victim representative*, or next of kin to place his or her testimony on the record, to be preserved for introduction into the record when the parole hearing is subsequently held. ~~In addition, the bill would provide that, under those circumstances, the board may sanction the prisoner or prisoner's attorney, as it deems appropriate, unless good cause exists why the hearing was postponed.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3044 is added to the Penal Code, to read:
2 3044. If a victim, *victim representative*, or next of kin appears
3 for a duly noticed, scheduled parole hearing, and that hearing is
4 postponed at the request of the prisoner or prisoner's attorney, the
5 board shall allow the victim, *victim representative*, or next of kin
6 to place his or her testimony on the record, to be preserved for
7 introduction into the record when the parole hearing is subsequently
8 held. ~~In addition, under those circumstances, the board may~~
9 ~~sanction the attorney or the prisoner who requested the~~
10 ~~postponement, as it deems appropriate, unless good cause exists~~
11 ~~why the hearing was postponed.~~